

Agriculture, since it was not uniform in size and was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On January 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a public institution, for consumption as food and not for resale.

W. R. GREGG, *Acting Secretary of Agriculture.*

25570. Adulteration of butter. U. S. v. 168 Boxes of Butter. Decree of condemnation. Product released under bond to be denatured. (F. & D. no. 35659. Sample no. 36268-B.)

This case involved butter that contained mold and filth.

On June 7, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 168 boxes of butter at Worcester, Mass., consigned on June 1, 1935, alleging that the article had been shipped in interstate commerce by the Beatrice Creamery Co., from Champaign, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Rose Farm Rolls Butter * * * Beatrice Creamery Company * * * Chicago, U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On February 11, 1936, the Beatrice Creamery Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be denatured and disposed of for purposes other than for human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

25571. Adulteration and misbranding of maple sirup. U. S. v. 2 Drums, et al., of Maple Sirup. Decree of forfeiture. Sirup ordered delivered to Government agency or charitable institution; drums delivered to claimant. (F. & D. nos. 35675, 35676. Sample nos. 36394-B, 36395-B, 36396-B.)

This case involved shipments of maple sirup that was adulterated with sugar sirup, and which was also misbranded since it consisted of a mixture of sugar sirup and maple sirup and was sold under the distinctive name "Maple Syrup."

On June 26, 1935, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of maple sirup at St. Johnsbury, Vt., alleging that the article had been shipped in interstate commerce from the States of New York and Pennsylvania into the State of Vermont on or about April 9 and April 10, 1935, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Cary Maple Sugar Co., St. Johnsbury, Vt. * * * John Wiggers, Panama, N. Y." The remainder was labeled: "Adirondack Maple Co., Lowville, N. Y., 191 Leased to Vt. Evaporator Co. Union City, Pa."

The libel charged that the article was adulterated and misbranded, since analysis showed that it was a mixture of sugar sirup and maple sirup.

On January 15, 1936, the Cary Maple Sugar Co., Inc., having entered a claim for the drums, and no other claimant having appeared, judgment of forfeiture was entered and it was ordered that the sirup be delivered to a Government agency, or to a charitable institution, and that the drums be returned to the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25572. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 35721. Sample no. 16463-B.)

This case involved butter that contained mold and other extraneous matter.

On May 29, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 19, 1935, by Kadane-Brown, Inc., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunlight Creamery Butter * * * The Cudahy Packing Co., * * * Chicago, Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25573. Adulteration of tomato puree. U. S. v. 159 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35737. Sample no. 33929-B.)

This case involved canned tomato puree that contained excessive mold.

On July 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 12, 1935, by the Minster Cannery, Inc., from Minster, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kenmore Tomato Puree * * * John Sexton and Co. Distributors Chicago, Brooklyn."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25574. Adulteration and misbranding of Vegetrate. U. S. v. 8 Packages and 23 Packages of Vegetrate. Default decree of condemnation and destruction. (F. & D. no. 35751. Sample no. 37635-B.)

This case involved a product containing calcium carbonate and powdered plant material, including a laxative plant drug, which was labeled to convey the impression that it consisted of food-vegetable ingredients. The labeling also contained unwarranted curative and therapeutic claims.

On July 13, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 packages of Vegetrate at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 23, 1935, by the Health Foundation of California, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of calcium carbonate and powdered plant material including a laxative plant drug.

The libel alleged that the article was adulterated under the provisions of the law applicable to food in that it contained added deleterious substances, namely, a laxative plant drug and calcium carbonate, which might have rendered it injurious to health. The article was alleged to be further adulterated under the provisions of the law applicable to drugs in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Vegetrate" since it did not consist of food-vegetable constituents.

The article was alleged to be misbranded under the general provision of the law applicable to both foods and drugs in that the statements on the label, "Vegetrate" and "The Vegetable Concentrate Corrective", were false and misleading and under the provision applicable to drugs in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton) "The Vegetable Concentrate Corrective * * * Hyperacidity, Bloating, Gas Highly recommended as an aid to overcoming these most objectionable ailments * * * Alkalizer And Builder. Vegetrate's organic mineral salts neutralize the acids found in most deficiency diseases. These natural salts help elimination and help to restore normal equilibrium to diseased function"; (circular) "* * * the hyperacidity invariably found in our refined diets. * * * As a result many suffer from the so-called malnutritional diseases—and many diseases come from malnutrition. Ask your doctor what they are. Often, by the time a disease has developed to the point where it shows itself in the form of symptoms, the patient has already suffered from years of malnutrition. To overcome the effects of acid producing foods, to counterbalance the painful results of the malnutritional diseases, it is essential that we consume liberal quantities of organic mineral salts. Consequently it was necessary to devise some means of furnishing the minerals as contained in vegetables and fruits, and at the same time, giving it in such a form that the body could readily take it and assimilate it. Vege-Trate and Vege-Broth are the results of such a